

Art Unit: 1765

This is responsive to the Request for Continued Examination and amendment filed August 25, 2011.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 30 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention at the time the application was filed.

1. There is no support for the claimed "bisphenol A epoxy resin is not cross linked by the at least one photoinitiator." Neither the description of the bisphenol A epoxy resin on page 4, lines 18-26, the hardening parameters on page 14, lines 18-23, nor Examples 1 and 2 on page 16-19 of the specification affirmatively states that the bisphenol A epoxy resin is not cross linked as claimed.

The text of the basis for nonstatutory obviousness-type double patenting and section 103(a) of Title 35, U.S. Code not included in this action can be found in the non-Final rejection mailed December 18, 2009.

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2. Claims 1, 4-11 and 28-30 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 8, 9, 12, 13, 15-17 and 24 of copending application no. 11/649,728. Although the conflicting claims are not identical, they are not patentably distinct from each other for the reasons of record set forth in the previous Office actions.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1, 4-11 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komiyama et al. Patent No. 5,118,567 and Noguchi et al. Patent No. 5,476,752.

Claims 1, 4-11 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent No. 1,086,403 in view of Kamen et al. Patent No. 5,656,336.

Knell et al. is withdrawn due to the disclosure of a heat-curing mechanism which is less relevant than the UV or actinic radiation curing of Kamen et al. Otherwise, the rejections are maintained for the reasons of record set forth in the previous Office actions. The arguments filed August 25, 2011 have been considered but are unpersuasive.

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3. There are no limitations to claims 1, 4-11, 28 and 29 requiring the non-crosslinking of the epoxy resin, nor is there any support in the specification therefor. Even if included as in claim 30, such a proviso merely indicates the mechanism upon the crosslinking of the components which is not required in the claimed blend which is merely a non-crosslinked mixture of the components.

4. The claimed "comprising" transitional phrase does not preclude the presence of the heat activatable curing agent of Komiyama et al., the polymerization initiator of Noguchi et al. and the cationic photoinitiator of the European patent. Nor would the phrase "consisting essentially of" preclude the aforementioned curatives since they would not materially affect the basic and novel characteristics of the claimed blend.

5. Kamen et al. (col. 8, lines 24-36) teaches cationic curing by UV or actinic radiation which is a crosslinking mechanism common to that of the European patent containing both a cationic polymerization initiator b) and radical polymerization initiator d) (page 3, lines 17 and 19) such as 2,4,6-trimethylbenzoyl-diphenylphosphine oxide or benzophenone (page 7, lines 35 and 36). Accordingly, there is no discrepancy in employing the bisphenol A epoxy resin of Kamen et al. having a molecular weight of from 800-1200 (col. 4, lines 6-8) as the especially preferable diglycidyl ethers of bisphenol A of the European patent (page 5, paragraph 28, lines 2-3) in order to enhance the adhesion to glass.

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